

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 MICHAEL WHITFIELD,

Case No. 3:23-cv-00123-MMD-CSD

4 Plaintiff

## ORDER

5 v.

6 J. KEAST, et al.,

7 Defendants

9 On March 21, 2023, Plaintiff Michael Whitfield, an inmate in the custody of the  
 10 Nevada Department of Corrections (“NDOC”), submitted a civil-rights complaint under 42  
 11 U.S.C. § 1983 and filed an incomplete application to proceed *in forma pauperis* (“IFP”).  
 12 Plaintiff’s IFP application is not complete because he did not submit a  
 13 financial certificate on the Court’s approved form and failed to include an inmate trust fund  
 14 account statement for the previous six-month period with his application. (See ECF  
 15 No. 1).

16 The United States District Court for the District of Nevada must collect filing fees  
 17 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
 18 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28  
 19 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply  
 20 to the court for leave to proceed *in forma pauperis*.” Local Rule LSR 1-1. For an inmate  
 21 to apply for *in forma pauperis* status, the inmate must submit **all three** of the following  
 22 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**  
 23 **for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by  
 24 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the  
 25 Court’s approved form, that is properly signed by both the inmate and a prison or jail  
 26 official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for**  
 27 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Local Rule LSR 1-2.  
 28 *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the

1 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.  
2 § 1915(b).

3 IT IS THEREFORE ORDERED that Plaintiff has **until May 26, 2023**, to either pay  
4 the full \$402 filing fee or file a completed financial certificate on the Court's approved form  
5 that is signed both by the inmate and the prison or jail official and a copy of the inmate's  
6 trust fund account statement for the previous six-month period. If Plaintiff has not been at  
7 the NDOC facility for a full six-month period, he must still submit a financial certificate and  
8 an inmate account statement for the dates he has been at the facility.

9 IT IS FURTHER ORDERED that this action will be subject to dismissal without  
10 prejudice if Plaintiff fails to either pay the full filing fee or file the required financial  
11 documents **by May 26, 2023**. A dismissal without prejudice allows Plaintiff to refile his  
12 claims with the Court, under a new case number, when he can either pay the full \$402  
13 filing fee or properly apply to proceed *in forma pauperis*.

14 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff Whitfield  
15 the approved form application to proceed *in forma pauperis* for an inmate and instructions  
16 for the same, and will retain the complaint (ECF No. 1-1) but not file it at this time.

17 DATED: March 27, 2023

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UNITED STATES MAGISTRATE JUDGE